

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

STATE OF TEXAS, et al.,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United  
States, et al.,

*Defendants.*

No. 3:21-cv-00065

**DEFENDANTS' CONSENT MOTION FOR EXTENSION OF  
TIME TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS**

Defendants, the President of the United States, the Attorney General of the United States, the Secretaries of the Departments of State, Homeland Security, the Interior, Energy, Agriculture, and Transportation, the Administrator of the Environmental Protection Agency, the Commanding General of the U.S. Army Corps of Engineers, the Acting Chairman of the Advisory Council on Historic Preservation, and the United States of America, respectfully request a three-week extension of time, from August 30, 2021, to September 20, 2021, to file their reply in support of their motion to dismiss. In support of this motion, Defendants state as follows:

1. This suit is brought by 23 States seeking to challenge President Biden's decision to revoke the cross-border permit for the Keystone XL Pipeline issued by President Trump. Plaintiffs assert that the revocation violates separation-of-powers

principles and that Defendants' purported implementation of the revocation violates the Administrative Procedure Act ("APA").

2. On July 12, 2021, Defendants moved to dismiss Plaintiffs' First Amended Complaint. ECF No. 98.

3. On August 23, 2021, Plaintiffs filed their response in opposition to Defendants' motion. ECF No. 107. Plaintiffs' response is 60 pages and includes three declarations. *See id.*

4. Defendants' reply in support of their motion to dismiss is currently due on or before August 30, 2021. Given the length of Plaintiffs' response, the number and complexity of the issues before the Court, as well as the previously scheduled vacation of undersigned counsel, Defendants respectfully request a three-week extension of time from August 30, 2021, to September 20, 2021, to file their reply in support of their motion to dismiss. Defendants submit that no party will be prejudiced by the relief sought in this motion.

5. Pursuant to Local Rule 7.1 and Rule of Practice 5(d), the undersigned counsel certifies that she conferred by email with counsel for Plaintiffs on August 24, 2021, regarding the relief sought in this motion. Counsel for Plaintiffs indicated that they consent to the relief requested in this motion.

WHEREFORE, Defendants respectfully request that the Court extend their time to file their reply in support of their motion to dismiss to September 20, 2021.

Dated: August 25, 2021

Respectfully submitted

BRIAN M. BOYNTON  
Acting Assistant Attorney General

ANTHONY J. COPPOLINO  
Deputy Director  
Federal Programs Branch

/s/Jean Lin  
JEAN LIN, Attorney in Charge  
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**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7.1 and Rule of Practice 5(d), I certify that I conferred by email with counsel for Plaintiffs on August 24, 2021, regarding the relief sought in this motion. Counsel for Plaintiffs indicated that they consent to the relief requested in this motion.

/s/ Jean Lin  
JEAN LIN

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Consent Motion for

Extension of Time to Respond to the First Amendment Complaint has been sent via first class mail or electronic mail via ECF on August 25, 2021, to all counsel of record.

/s/ *Jean Lin*

JEAN LIN